

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCAL 210 PENSION FUND

Plaintiff,

-against-

Lewis Tate

Defendant.

AFFIDAVIT

Index No.: 07-CV-8140

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STATE OF NEW YORK)
)ss:
COUNTY OF NEW YORK)

Nancy Rivera, being duly sworn deposes and says: I am not a party to the action, am over 18 years of age and reside in Jersey City, New Jersey.

On October 1, 2007, I served a true copy of Answer to Counterclaims by mailing the same, via first class mail, in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Jane Lauer Barker
499 Park Avenue
New York, New York 10022

Sworn to before me this
1st Day of October, 2007

Nancy Rivera

NOTARY PUBLIC